SECOND PROTEST,

WITH A

LIST of the VOTERS

AGAINST THE

BILL

To repeal the

American Stamp Act,

OF

LAST SESSION.

A PARIS,

Chez J. W. Imprimeur, Rue du Colombier Faux-bourg St. Germain, à l'Hotel de Saxe. 1766.

Prix, dix huit Sous.

Avec Approbation, & Privilege.

SPEAKERS.

Againſt the Repeal.	For the Repeal.
1 Lord Lyttelton	
2 Earl of Bute	
3 Earl Gower.	4 Duke of Newcaſtle.

Die Lunæ, 17° Martii, 1766.

The Order of the Day being read for the third reading of the Bill, entituled, *An Act to repeal an Act made in the laſt ſeſſion of parliament, entituled, an Act for granting and applying certain ſtamp duties and other duties in the Britiſh Colonies and Plantations in America, towards further defraying the expences of defending, protecting, and ſecuring the ſame, and for amending ſuch parts of the ſeveral acts of parliament relating to the Trade and Revenues of the ſaid Colonies and Plantations, as direct the manner of Determining and Recovering the Penalties and Forfeitures therein mentioned.* Then the ſaid Bill was read a third Time, and it being propoſed to paſs the Bill, the ſame was objected to. After ſome Debate thereupon, the Queſtion was put, Whether the ſaid Bill ſhall paſs: It was reſolved in the Affirmative.

FIRST.

Diſſentient,

BECAUSE we think, that the Declaratory Bill we paſt laſt week, cannot poſſibly obviate the growing miſchiefs in America, where it may ſeem calculated only to deceive the people of Great Britain, by holding forth a deluſive and nugatory affirmance

of the Legiſlative Right of this Kingdom, whilſt the enacting part of it does no more than abrogate the Reſolutions of the Houſe of Repreſentatives in the North American Colonies, which have not in themſelves the leaſt colour of authority; and declares, that which is apparently and certainly criminal, only null and void.

SECONDLY.

Becauſe the particular Objections, which have been made to the Stamp Act in North America, and which have been adopted in the courſe of the Debates upon this Bill for repealing it, are in fact contradicted by undeniable Evidence upon our Table; it having been urged, Firſt, That all the money to be collected by this Tax was to be annually remitted hither, and that the North American Colonies would thereby be drained of all their ſpecie; and Secondly, That the inſtitution of Vice Admiralty Courts in thoſe Colonies, for the recovery of Penalties upon Revenue Laws without Juries, is a novel practice, by means of which his Majeſty's Subjects in thoſe dominions, "would be de-" prived of one of their moſt valuable Li-" berties, Trials by Juries, and in this reſ-" pect diſtinguiſhed from their Fellow Sub-" jects in Great Britain;" and would likewiſe be liable to the greateſt Inconvenience, Vexation

Vexation and Injuſtice, through the option left to any Proſecutor to call them from one end of that extenſive Continent to the other; and thro' the temptation to the Judge, to condemn rather than to acquit, from his being paid by poundage of the condemnation money: Whereas, with regard to the firſt of theſe objections, it appears by the minute of the late Board of Treaſury laid before this Houſe, and dated on the 9th day of July laſt, that the fulleſt Directions had been ſent to the ſeveral officers of the Revenue, "that in order to obviate the inconvenience of bringing into this Kingdom the money to be raiſed by the Stamp Duties, all the produce of the American Duties ariſing or to ariſe, by virtue of any Britiſh Act of Parliament, ſhould, from time to time, be paid to the Deputy pay-maſter *in America*, ro defray the ſubſiſtence of the troops, and any military expences incurred in the colonies:" and with regard to the ſecond objection, it is manifeſt, from ſundry Acts of Parliament, that a juriſdiction has been aſſigned to the Judges of thoſe Courts, for the recovery of penalties upon the Laws of Revenue and of Trade, without Juries for near a century paſt, from the conſideration (as we apprehend) that in ſome of the colonies they are the only Judges not elected by the people: and ſo far it is from being true, that the Subjects in North

America, by being deprived in theſe Caſes of Trials by Juries, were in that reſpect diſtinguiſhed from their Fellow-ſubjects in Great Britain; that, in this very inſtance of the Stamp Duties, the Penalties, which by the American Stamp Act were made recoverable without a Jury before a Judge of the Vice Admiralty Court, are, by the Laws now in force for collecting the Stamp Duties in Great Britain, recoverable alſo without a Jury, before two Juſtices of the Peace, with the like Powers in both caſes, which we earneſtly wiſh were not ſtill more neceſſary for the collection of the Public Revenue in America than in Great Britain; and which we ſhould be moſt deſirous, if poſſible, to alleviate in both countries: with this view, and to take away all juſt occaſion for diſcontent, we were very glad to find by the Repreſentation from the late Commiſſioners of the Treaſury to his Majeſty in Council, dated on the 4th day of *July* laſt, that the ſtricteſt attention had been given by that Board to prevent the inconvenience and injuſtice above-mentioned, by a plan to eſtabliſh three different Courts of Vice Admiralty at the moſt convenient places, with proper Diſtricts annexed to each; and to give the Judges ſufficient and Honourable Salaries in lieu of all poundage and fees whatſoever: but we cannot obſerve, without the higheſt concern and ſurprize, that this repreſentation, founded

founded upon a clauſe inſerted in the Stamp Act for this very purpoſe, and expreſsly calculated to relieve his Majeſty's Subjects in North America from many unneceſſary hardſhips and oppreſſions, to which they are now liable by many other Laws ſtill ſubſiſting, ſhould be totally diſregarded for ſeveral months, and be ſuffered to remain unexecuted in every part of it even to this day; and that no notice whatever ſhould be taken, in any of the diſpatches from the preſent Adminiſtration to the Governors of the Colonies in North America, of the timely care which had been employed to obviate the objections raiſed on both thoſe Heads: eſpecially, as it is notorious, that the meaſures to be purſued, in conſequence of that Minute and Repreſentation, had been fully opened and approved in Parliament, at the time when the Stamp Act was propoſed; and as the total neglect of it has given occaſion to great Clamour and Diſſatisfaction in the Colonies. We cannot help further obſerving, that as the Stamp Act was not to take place till the 1ſt of November, if the Parliament had been called early, their determinations, either for enforcing or repealing that Law, would probably have delivered the Merchants and Manufacturers here from all the difficulties and diſtreſs to which they have been for ſo many months expoſed; nor would the diſorders in America, where

all government is proſtrate, have riſen to ſo great a height, or taken ſo deep a root.

THIRDLY.

Becauſe, the Argument which has been uſed in favour of this Bill of Repeal, that the experiment of the Stamp Act has been tried, and has failed, is extremely ill founded; as it manifeſtly appears from the whole tenor of the Papers laid before us, that if this experiment had been properly tried, with the ſame zeal for its ſucceſs with which it was firſt propoſed, it would not have failed in any of the Colonies: and that this was the opinion of the greater part of the Governors in North America, and of many of the moſt intelligent and reſpectable perſons in thoſe provinces, for ſome time after this Act was paſſed, is evident beyond a doubt, from the Letters of the former now upon our Table, and from the latter having applied for, and accepted the Office of Diſtributor of the Stamps under that Act, which they certainly would not have done, and thereby have expoſed their Lives and Fortunes to the violence and outrages which they have ſince undergone, if they had then thought the ſucceſs of this meaſure in any degree precarious: nor have we heard of any impracticability attending this Law in Jamaica and Barbadoes, and ſome other of the

Weſt

Weſt India iſlands, or in thoſe of our Colonies in North America, where it has been executed.

FOURTHLY.

Becauſe, a Precedent of the two Houſes of Parliament lending their power, from motives of Fear or Impatience under a preſent uneaſineſs, to overturn in one month a Plan of Meaſures, undertaken with their warmeſt Approbation and Concurrence, after the moſt mature deliberation of two years together, for the improvement of our Revenue, and the relief of our People, will effectually diſcourage all officers of the Crown in America from doing their duty, and executing the Laws of this Kingdom; and is enough to deter future Miniſters, in any circumſtances of diſtreſs or danger to their Country, from oppoſing their fortitude and zeal for the ſervice of the Publick, to ſtrong Combinations of private and particular Intereſts, to the Clamour of Multitudes, or the Malice of Faction; which muſt neceſſarily bring on ſuch a Weakneſs and Puſilanimity in the Adminiſtration of Government, as will ſoon end in the Downfal and Ruin of the State.

LASTLY,

LASTLY,

Becauſe, the Repeal of this Law under the preſent Circumſtances, will, we fear, not only ſurrender the Honour and eſſential Intereſts of the Kingdom now and for ever, both at home and abroad, but will alſo deeply affect the fundamental principles of our Conſtitution; for if we paſs this Bill againſt our Opinion, from the Threats and Compulſion publickly avowed in our Colonies, and enforced by the moſt unjuſtifiable means within Great Britain, we diſclaim that Legiſlative Authority over the ſubjects, which we own ourſelves unable to maintain. If we give our conſent to it here, without a full conviction that it is right, merely becauſe it has paſſed the other Houſe, by declining to do our duty on the moſt important occaſion, which can ever preſent itſelf, and where our interpoſition, for many obvious Reaſons, would be peculiarly proper; we in effect annihilate this branch of the Legiſlature, and vote ourſelves uſeleſs. Or if by paſſing this Bill, we mean to juſtify thoſe, who in America, and even in Great Britain, have treated a ſeries of Britiſh Acts of Parliament as ſo many Acts of *Tyranny and Oppreſſion*, which it is ſcarcely criminal to reſiſt; or thoſe officers of the Crown, who, under the eye, and with the knowledge of Government,

ment, have taken upon themſelves, whilſt the Parliament was Sitting, without its Conſent, to ſuſpend the Execution of the Stamp Act, by admitting Ships from the Colonies, with unſtampt Clearances, to an Entry, in direct Violation of it, which from the Papers upon our Table appears to have been done; we ſhall then give our approbation to an open breach of the firſt Article of that great Palladium of our Liberties, the Bill of Rights; by which it is declared, "That "the pretended power of ſuſpending of "Laws, or the execution of Laws, by regal "Authority, without conſent of Parliament, "is illegal." Laſtly, If we ground our Proceedings upon the Opinion of thoſe who have contended in this Houſe, that from the Conſtitution of our Colonies they ought never to be taxed, even for their own immediate defence, we fear that ſuch a Declaration, by which near a fifth part of the ſubjects of Great Britain, who by the Acts of Parliament to reſtrain the Preſſing of Seamen in America, are already exempted from furniſhing men to our Navy, are to be for ever exempted from contributing their ſhare towards their own ſupport in money likewiſe, will, from the flagrant Partiality and Injuſtice of it, either depopulate this Kingdom, or ſhake the baſis of Equality, and of that Original Compact, upon which every ſociety is founded; and as we believe, that

that there is no inſtance of ſuch a permanent Exemption of ſo large a body of the ſubjects of any State in any Hiſtory, antient or modern, we are extremely apprehenſive of the fatal Conſequences of this unhappy Meaſure; to which, for theſe Reaſons, in addition to thoſe contained in the Proteſt of the 11th of this month, our Duty to the King, and Juſtice to our Country, oblige us to enter this our Solemn Diſſent.

Temple
Abercorn
Scarſdale
J. Bangor
Trevor
Hyde
Marlborough
Sandwich
Charles Carliſle
Weymouth
Thomas Briſtol
W. Glouceſter
Buckinghamſhire
R. Dureſme
Dudley and Ward
Suffolk and Berkſhire
Leigh
Bridgewater
Gower
Groſvenor
Powis
Ker
Lyttelton
Eſſex
Ferrers
Aylesford
Vere
Eglintoun

FH
MVSEVM
BRITANNICVM

A LIST

A LIST of the LORDS who Voted and Proteſted againſt the Repeal of the American Stamp Act, March 10, 1766.

His Royal Highneſs the Duke of YORKE, *firſt Brother to the King.*

Duke of Beaufort

Duke of Bedford. *Proteſted*

Duke of Marlborough. *Pro.*

Duke of Ancaſter, *Maſter of the Horſe to the Queen*

Duke of Bridgewater. *Pro.*

Earl of Pembroke, *Col. of the firſt Regiment of Dragoons*

Earl of Suffolk and Berkſhire. *Pro.*

Earl of Denbigh, *a Lord of the King's Bedchamber*

Earl of Sandwich. *Pro.*

Earl of Lichfield, *Captain of the Band of Penſioners*, &c.

Earl of Coventry, *a Lord of the King's Bedchamber.* Pro.

Earl of Oxford, *a Lord of the King's Bedchamber.*

Earl Ferrers, *a Captain in the Royal Navy.* Pro.

Earl of Aylesford. *Pro.*

Earl of Hallifax. *Pro.*

Earl of Macclesfield

Earl Ker (Duke of Roxburgh in Scotland) *Pro.*

Earl Waldegrave, *Governor of Plymouth, and Col. of the ſecond Regiment of Dragoons.* Pro.

Earl

Earl of Orford, *a Lord of the King's Bedchamber, and Ranger of St. James's and Hyde Parks*
Earl of Warwick
Earl Gower. *Pro.*
Earl of Buchinghamſhire, *a Lord of the King's Bedchamber.* Pro.
Earl of Powis. Pro.
Earl of Northumberland, *Vice Admiral of all America*
Earl Temple. *Pro.*
Earl Harcourt, *Chamberlain to the Queen*
Earl of Guildford
Earl Talbot, *Steward of the King's Houſhold*
Viſcount Say and Sele
Viſcount Townſhend, *Lieutenant General of the Ordnance, and Colonel of the 28th Regiment of Foot.* Pro.
Viſcount Weymouth. *Pro.*
Viſcount Bolingbroke *Pro.*
Viſcount Wentworth. *Pro.*
Viſcount Dudley and Ward. *Pro.*
Lord Le Deſpencer
Lord Botetourt
Lord Leigh. *Pro.*
Lord Byron
Lord Trevor. *Pro.*
Lord Montfort
Lord Vere. *Pro.*
Lord Hyde. *Pro.*
Lord Mansfield, *Chief Juſtice of the King's Bench*
Lord Lyttelton. *Pro.*
Lord Groſvenor. *Pro.*
Lord Scarſdale. *Pro.*
Lord Beaulieu
Earl of Eglintoun, *a Lord of the King's Bedchamber.* Pro.
Earl of Abercorn. *Pro.*
Earl of Loudon, *Governor of Edinburgh Caſtle, and Col. of the 30th Regiment of Foot*
Earl of March, *a Lord of the King's Bedchamber*

Earl

Earl of Bute, *Ranger of Richmond Park*
Lord Cathcart, *firſt Lord of Police in Scotland*
* Biſhop of Durham. *Pro.* ſecond proteſt
Biſhop of Cheſter
Biſhop of Rocheſter
Biſhop of Bangor. *Pro.*
Biſhop of Glouceſter. *Pro.*
Biſhop of Carliſle. *Pro.*
Biſhop of Briſtol. *Pro.*
62
Proxies.
Duke of Cleveland, *Comptroller of the Seal*, &c.
* Earl of Eſſex. *Pro.* ſecond proteſt
Earl of Tankerville
Earl of Darlington, *Maſter of the Jewel Office, and Governor of Carliſle*
Lord Craven
Lord Forteſcue
Lord Vernon
Earl of Sutherland, *Col. of a Bat. of Highlanders*
Earl of Rothes, *Col. of the 3d. Regiment of Foot-guards, Gov. of Duncannon*, &c.
Biſhop of Hereford.
10

* The Biſhop of Durham was abſent at the time of ſigning the firſt proteſt on the 11th; but his Lordſhip ſigned the ſecond proteſt, as did alſo the Earl of Eſſex, who had voted by Proxy.

FINIS.

P I N I S.